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started him in life, and a start was all he needed to attain success. Macclesfield's favor gained him his practice; and he showed his gratitude a few years later, by refusing, as Attorney General, to take part in Macclesfield's impeachment. Walpole secured his support, made him Chief Justice of England, and afterwards Chancellor. After Walpole's death, he remained a leading member in the cabinet under the Pelhams; he brought Pitt into the government, but upon the fall of Newcastle he resigned the seals, though he afterwards, for a few months, returned to the cabinet; upon the overthrow of his party on the accession of George III he retired to the country; and died, full of years and honors, in 1764. He had married well. He had five sons and two daughters. His eldest son and successor made a great marriage; his second son won great success at the bar, and was himself chancellor for a few hours before his tragic death; his third son was distinguished in the army and in diplomacy and earned his peerage; his fifth son became a bishop; both daughters made good marriages. A smooth life his, surely, and one of classical perfection. But as a child of his age he could not escape political slander; and it is one of the great merits of this book that it has once and for all disproved the entire brood of calumny.

Every lawyer who venerates the makers of the law, who believes that the personality of a judge determines the nature of his service to the development of law, who believes that the chancellor's conscience really moulds the doctrines of chancery, should read in these pages the life of the man who more than any other impressed upon equity the moral standards of a judge who was as good as he was great.

MANUAL OF EQUITY. By John Indermaur and Charles Thwaites. Seventh edition. London: Furnival Press. 1913. pp. xxxii, 620.

If there were any doubt to-day of the service which study of cases in the law schools has rendered to the science of law in America, it should be dispelled by examination of the books from which the English student is taught by the older method. For instance, in the present work in the year 1913 we are told: "In all cases in which specific performance is sought, the remedy, if it exists at all, must be a mutual one." (P. 318).

A little further on we are told: "But where a contract required by the Statute of Frauds to be in writing is signed by only one party, the person who has signed may be sued for specific performance, although it is evident that he could not himself sue, for as regards the other party the requirements of the Statute have not been complied with. This is apparently an exception to the ordinary rule requiring mutuality, but when closely examined, it is not really an exception. The Statute of Frauds only requires the agreement to be signed by the party to be charged; and when the other party sues, he must submit to perform his part of the contract, and so affirms his liability under it, and makes the remedy mutual." (Pp. 319-320).

That there are some seven other exceptions to Fry's doctrine of mutuality of remedy and that the doctrine itself is, to say the least, thoroughly moribund is nowhere suggested.

Again we are told: "The doctrine of the court with regard to equitable waste may also be referred to as a further example of a trust which may be said to be raised either by force of probable intention, or by reason of the determination of the court to enforce right and justice. True, the estate is given to the tenant for life without impeachment for waste, but as an estate is given in remainder it could not have been the intention of the settlor to allow the tenant for life to devastate the estate, and a trust is, therefore, raised in the

remainderman's favour, founded on the unexpressed, but yet, under the circumstances, fairly to be presumed intention. Neither would it be just or right to allow the tenant for life to devastate the property." (P. 66.)

If this were a trust, one would think the doctrine of the *locus pœnitentiæ* of the trustee would apply and so the trustee, who has committed a breach, might sue to get back that which represents the trust *res*. This, however, cannot be done. *Wentworth v. Turner*, 3 Ves. Jr. 3.

Many other like examples might be cited. It is enough to say that the present book in its seventh edition is still speaking the language of the first and that the results of the more thorough study of the cases which has gone on in recent years have made little impression upon it. This is the more strange since in such elementary books as Ashburner On Equity, for instance, such subjects as mutuality of remedy are handled in quite a different way.

As a clear, concise and well-written statement of what the books used to say about equity, much may be said for this book. The present edition also seems to have been well done in the respect that the latest important decisions have been judiciously selected and put in appropriate places. But it seems a pity that a subject of such importance should be presented to students at this late day with so little attention to the work of the scholars who have replaced the traditional notions of the era of Story's Equity Jurisprudence by system and science.

R. P.

A CONCISE TREATISE ON PRIVATE INTERNATIONAL JURISPRUDENCE, BASED ON THE DECISIONS IN THE ENGLISH COURTS. By John Alderson Footc. Fourth Edition, by Coleman Phillipson. London: Stevens and Haynes. 1914. pp. xlv, 595.

This is a standard treatise, first published over thirty years ago (1878). It is not intended to be an elaborate philosophical treatise, like Professor Dicey's; but, on the other hand, it is not at all a mere student's cram-book. It has not the qualities of an elementary discussion of the subject. It is just what it purports to be; a collection for lawyers of the decisions bearing upon private international law, so-called.

Such a working treatise for lawyers may be expected to possess certain characteristics. It should have a sensible and natural analysis; it should contain all the cases; and it should discuss the cases in a manner to illuminate the decisions, to reconcile apparent conflicts, to remove difficulties, to clear up obscurities, and to sift out the significant language from hasty or ill-considered dicta. The first two characteristics this work possesses. The analysis is good, and the collection of cases is fairly exhaustive. In a few cases the discussion perhaps lacks something in perspicuity. It is a little hard, for instance, to get at the author's conclusion on the question of capacity. His treatment of the puzzling cases on the validity of marriage does not furnish any clue to the puzzle; indeed, his examination of the case of *Brook v. Brook* is not at all satisfactory. His treatment of the law of matrimonial acquets, and of the surprising cases of *De Nichols v. Curlier*, also leaves much to be desired.

These, however, are not fair specimens. The greater part of the book is excellently done, the cases intelligently discussed, and the result of them fairly and clearly stated. The book ought to be of great use to an American lawyer, while it cannot supplant Professor Dicey's more ambitious work; for though our authorities often depart from those of the English courts, no lawyer can feel himself familiar with the American law without some knowledge of the English cases.

J. H. B.